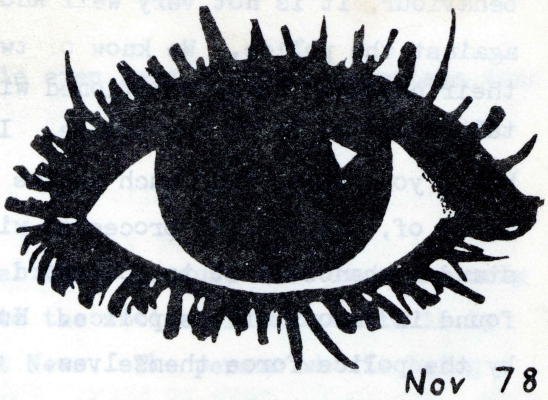
Longsight News.



a community newspaper for Longsight.

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FREE LIBEL CASE SPECIAL EXTRA

LONGSIGHT WOMAN SUED BY POLICE

Over three years ago we told the story of how a local lad was treated by a policeman. The person who wrote the article for the paper is now being sued for libel by the policeman, P.C. Kelly of St. Josephs (Longsight) Police Station. As we believed the story was true , we could not go back on it without lying to our readers. Instead we offered P.C. Kelly the right of reply in the columns of the paper, but he did not take up this opportunity.

POLICE QUESTIONING OF YOUNG PEOPLE

The original article highlighted wrong practices of the police in questioning young people without their parents present.

> The "Judges Rules" of practice drawn up for the guidance of police officers say that: AS FAR AS PRACTICABLE CHILDREN SHOULD ONLY BE INTERVIEWED IN THE PRESENCE OF A PARENT OR GUARDIAN, OR, IN THEIR ABSENCE, SOME PERSON WHO IS NOT A POLICE OFFICER AND IS OF THE SAME SEX AS THE CHILD.

The problem is that if the police do something wrong it is very difficult to do something about it.

MAKING A COMPLAINT

Although there is a special procedure for making complaints about police

behaviour, it is not very well known. And anyway it takes a lot of courage to go against the police. We know of two local parents who did make a complaint about their children being questioned without them present, but they were eventually talked out of it by the police. If you get as far as actually having a complaint heard you don't stand much chance of winning. In two local complaints we have heard of, one was not proceeded with because there were no witnesses. You don't stand a chance if it is your word against the police's. And the second case was found in favour of the police. Not surprising since the investigation was conducted by the police force themselves.

NEW POLICE COMPLAINT PROCEDURE

Since we wrote the story of what happened in 1975, there has been a new procedure brought in for complaints:

This is how it works: THE COMPLAINT IS MADE IN WRITING TO THE CHIEF CONSTABLE, WHO SHOULD RECORD IT STRAIGHT AWAY. (YOU CAN CALL AT A POLICE STATION INSTEAD) THE INVESTIGATION IS CARRIED OUT BY A SENIOR POLICE OFFICER WHO MAY COME FROM A DIFFERENT FORCE, OR MAY NOT. IT WILL NORMALLY START AT ONCE. THE PERSON COMPLAINING WILL BE ASKED TO MAKE A FULL STATEMENT, AND THE POLICE WILL ALSO SEEK INFORMATION FROM OTHER PEOPLE. THE OFFICER WHO IS COMPLAINED ABOUT WILL ALSO BE ABLE TO MAKE A STATEMENT. AFTER THE INVESTIGATION A REPORT GOES TO THE DEPUTY CHIEF CONSTABLE, WHO DECIDES WHETHER A CRIMINAL OFFENCE HAS BEEN COMMITTED. A CRIMINAL PROSECUTION CAN ONLY BE BROUGHT BY THE DIRECTOR OF PUBLIC PROSECUTIONS IN LONDON. IF THERE IS A PROSECUTION THE PERSON WHO MADE THE COMPLAINT CAN BE CALLED TO GIVE EVIDENCE IN COURT.

IF THERE IS NO CRIMINAL CHARGE, THE DEPUTY CHIEF CONSTABLE THEN DECIDES WHETHER TO BRING A DISCIPLINARY CHARGE. EVEN IF THE POLICE DECIDE THERE IS SOME SUBSTANCE IN THE COMPLAINT THEY DO NOT HAVE TO BRING DISCIPLINARY CHARGES, BUT THE DEPUTY CHIEF CONSTABLE MUST SEND A REPORT TO THE POLICE COMPLAINTS BOARD. IF THE BOARD AGREE WITH THE POLICE THAT NO CHARGES SHOULD BE BROUGHT THEY WILL LET YOU KNOW, BUT IF THEY DON'T AGREE THEY CAN RECOMMEND OR DIRECT THAT DISCIPLINARY CHARGES SHOULD BE BROUGHT. IN THIS CASE THE POLICE WILL INFORM YOU. THE POLICE COMPLAINTS BOARD IS IN LONDON AND IS APPOINTED BY THE HOME OFFICE, WHO ARE ALSO OVER THE POLICE.

IF THERE ARE DISCIPLINARY CHARGES THEY WILL NORMALLY BE HEARD BY THE CHIEF OFFICER ALONE, BUT IN EXCEPTIONAL CASES THE COMPLAINTS BOARD MAY SEND ALONG TWO OF ITS MEMBERS. THE HEARING IS IN PRIVATE, BUT UNLESS THE ACCUSED OFFICER HAS ADMITTED THE CHARGES, THE COMPLAINANT HAS A RIGHT TO ATTEND AND WILL NORMALLY BE EXPECTED TO GIVE EVIDENCE.

Anyone considering making a complaint are advised to seek help. The Law Centre at 595 Stockport Road are prepared to help.

But the Police Federation can now finance legal actions for libel or slander against a member of the public who has maliciously made a false complaint against

a police officer. We think this will make people even less likely to complain than before.

THE ONLY WAY?

We think it is important to fight this libel case, because sometimes the only way to bring complaints about police behaviour to the notice of the public is by printing the details in papers such as Longsight News. The person who is being sued for libel is a local woman, who felt that the only way to voice these particular complaints was by writing about it in Longsight News.

CAN YOU HELP ?

Now she is appealing for help from other local people:

* If you, or anyone you know, don't like the way you or your children have been treated by this particular policeman, P.C. Kelly, please contact the Defence Group. It could help win this case.
* On the other hand if you know any good things about P.C. Kelly the Defence Group would like to know, as they want to know what everyone in Longsight thinks of him.
* Thirdly she would like support at the Crown Court while the trial is going on. The case will start on Monday 4th December at 10.30 am, and may last up to three days. Supporters will meet outside the court in Crown Square (off Deansgate) at 12 o'clock.

So if you are fed up with what is happening and would like to help, please contact the Longsight News Defence Group, c/o 642 Stockport Road (by the railway bridge).

NEXT LONGSIGHT NEWS

There will be a full report of the trial in the next issue of Longsight News which should appear before the New Year. This issue will also include news on the Housing Action Area, Traffic schemes in the area, and Social Security Rates.

In future editions of the paper we would like to look at the problems of violence and vandalism and discuss what can be done about them. We will also be looking at police powers and civil liberties. We would like to hear from you about:

* Things that have happened to you.
* Ideas for action.
* Experiences which you have had with the police.
* What effects might new police powers have on our lives in this area.

You can contact Longsight News at 642 Stockport Road.

RIGHTS ON ARREST

Usually when the police ask for your assistance, you will want to help them. But you should know your rights and know when you are not legally obliged to co-operate. The following is a summary of advice given by the National Council of Civil Liberties:

* You do NOT have to answer police questions - in the street, at work, at home, at school, at the police station or anywhere else. In a few situations you have to give your name and address.
* If you are arrested, go quietly. Always try to remain polite and reasonable. If you are wrongly treated you may be able to do something about it later.
* If you go to the police station voluntarily, and don't want to continue the interview, see if you are free to leave.
* Beware of any inducement or threat. Pleading guilty in return for an offer of bail can harm your case.
* In general, don't make any statement or answer questions until you've had legal advice.
* Ask the police for bail. If there was a warrant for your arrest, ask if it included instructions about bail.
* Phone or telegram a friend and say where you are and which magistrates' court you are going to be taken to and when. Ask them to get a solicitor and arrange someone to stand surety for you at court, so you can get bail. Or else contact a lawyer directly.

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